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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS, LLC, *et al.*,

Plaintiffs.

v.

CITY OF PORTLAND, *et al.*,

Defendants.

Case No. 3:20-cv-1035-SI

**FEDERAL DEFENDANTS'
UNOPPOSED MOTION TO FILE
UNDER SEAL DOCUMENT
SUPPLEMENTING FEDERAL
DEFENDANTS' RESPONSE TO
PLAINTIFFS' PROPOSAL ON
UNIFORM MARKINGS**

L.R. 7-1 Certification

Federal Defendants conferred on this Motion with counsel for the other parties, and they do not oppose this Motion.

MOTION TO FILE UNDER SEAL

Federal Defendants submit this motion to file one exhibit to Federal Defendants' Response to Plaintiffs' Proposal on Uniform Markings under seal after the Court conducts an *in camera* review.

This Court ordered the parties to “confer regarding how the Federal Defendants can place unique identifying markings (using numbers and/or letters) on the uniforms and/or helmets of the officers and agents of the Federal Defendants who are specially deployed to Portland so that they can be identified at a reasonable distance and without unreasonably interfering with the needs of these personnel.” ECF No. 157 at 60. Because the parties were unable to “reach agreement within 14 days,” the parties “submit[ted] [their] own proposal.” *Id.* Federal Defendants have now “respond[ed] to any other party’s proposal.” *Id.* Federal Defendants have attached, as an exhibit to that filing, a declaration in support of that document, in which the federal law enforcement officer declarant is identified only as CBP SOD-1.

Federal Defendants seek to file versions of that declaration with the officer’s name and signature, as Exhibit 2, under seal after the Court reviews it *in camera*. Previously, this Court granted similar motions to file documents under seal containing the names of federal law enforcement officers given the potential threats to such officers if their names (and by extension, their other personal information) were disclosed. ECF Nos. 103, 104, 140, 167. Similarly, this Court entered a stipulated protective order recognizing that the personally identifiable

information of federal law enforcement officers should be protected because release of the names “could endanger the privacy and safety of such officers.” ECF No. 131 at 2-3.

For the same reasons, Federal Defendants respectfully request that the Court issue an order permitting the filing under seal of Exhibit 2.

Dated: September 10, 2020

Respectfully submitted,

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